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The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Mary Jane Baker, Bill Maxwell, Rick Durham, Albert Stewart and Bill

Hobbs.

Members Absent: None.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, Gerald Shine,

Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with all members being present.

2. The minutes of the preceding meetings were distributed to each member prior to the meeting. It was the consensus of the Board to approve the minutes with the correction as stated.

Continued Petitions

(Continued From April 27th Meeting)

1. **Petition: 2010-SU-002 Special Use** Zoning: CR Address: 4498 West Eighth Street Road, Anderson

Location: North side of Eighth Street Road, West of CR 400 West

Petitioner: Town of Edgewood - Contact: Dick Donnelly

Request: Requesting a Special Use to provide for the construction of a Municipal

Sewage Treatment Plant. (Section 3.5 states a sewage treatment plant requires a Special Use in a Conservation Residential (CR) zone district.)

Members Hobbs and Member Durham asked that they be recused from this petition.

Mr. Shine stated for the record, the County Commissioners appointed Mr. Fisher and the County Council also appointed someone for this special matter. When Mr. Shine received the petitioner's letter of withdrawal he spoke with Mr. Fisher and informed him he did not need to attend the meeting today. The Council appointee was also notified.

The following is the letter submitted by Richard Donnelly on behalf of the Town of Edgewood asking that their petition be withdrawn:

RK-5-25-10

Richard Donnelly

1615 Broadway Anderson, IN 46012 RLDonnelly@usa.net 765-425-0033

May 24, 2010

Madison County Board Of Zoning Appeals

Board Members:

I have been requested by Mike Austin, Town Attorney of the Town of Edgewood , to ask for a withdrawal of the petition by the Town of Edgewood for a Special Use for a Sanitary Sewer Treatment Facility.

Since the last meeting of the Madison County Board of Zoning Appeals, Edgewood and Anderson have continued negotiations regarding the contract between Edgewood and Anderson sewage rates. The negotiations have resulted in a tentative agreement which allows Edgewood to discontinue it pursuit of a separate treatment facility at this time.

Sincerely

Richard Donnelly, AICP Project Planner

There were no remonstrators present.

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Member Maxwell made a motion to accept the withdrawal from the Town of Edgewood on Petition #2010-SU-002.

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2010-SU-002 has been withdrawn**.

NEW BUSINESS

1. **Petition**: 2010-V-003 **Variance** Zoning: R-2

Address: 702 Belzer Drive, Anderson

Location: W on 300 North to Fairview St., N. on Fairview St. to Belzer Drive then W.

Petitioner: James R. Miller

Request: Variance of Development Standards to legally establish a 360 sq. ft.

detached carport located 19' from the front property line (minimum 35 foot

front setback required).

Director Wilson told the Board in their packet they should have an Addendum to the staff report. Also, in the packet was a letter of opposition. There have been several phone calls to the office stating they are very much opposed to the carport. They stated it was unsightly, blocking their vision, was too close to the property line and would devalue their property.

Staff was not quite sure as to the safety of this. Staff has learned that the carport is secured to the ground with four foot stakes. However, staff is still recommending denial of this petition.

James and Carol Miller, 709 Blezer Drive were present representing this petition.

Mr. Miller stated the reason for the carport is, he is in poor health and with the carport it will help keep him out of the weather. Although there is an attached two car garage there is not room for two vehicles.

The carport does not obstruct anyone's view. It does have the four foot stakes which makes it a lot sturdier to protect against the wind.

Several of the Board Members expressed the following concerns: it is a hazard sticking out that close to the road; does not adapt well to the rest of the neighborhood; there is no other structure that stick out as close to the road as this; and this goes against what the subdivision was platted to represent.

Buddy Patterson, 203 Millcreek Drive, Chesterfield was present.

Mr. Patterson informed the Board he is on the County Council for Madison County and has received calls from at least ten neighbors in the subdivision. Their concerns are pretty similar; this would devalue their property, block the view and is unsightly.

Mr. Shine stated this Board has the option or approving this or denying. If this is denied the Board can request this be taken down.

Director Wilson presented the following letter of objection (Exhibit A):

May 18, 2010

To Whom It may Concern:

I Donald L. Qualls, am against the carport on Belzer Drive at the house in question.

There are a number of reasons:

* First, there is a safety issue.

The carport blocks the view for those pulling out of their driveway. There are many children that play on the street.

In my opinion, it hinders the visibility to see the children riding their bikes and generally playing.

* Second, there is the issue of aesthetics.

It is an eyesore to the neighborhood.

I am confused at the necessity of putting this in front of the home since there is an attached garage available.

The side or the back of the home would be much safer for the children and less of an eyesore for the neighborhood.

* Finally, it is my understanding there is an ordinance against the placement of the carport. My understanding is there is a variance of 20 feet from the street to the building. The carport is NOT in compliance with this ordinance.

This carport is not in the best interest of the neighborhood for the reasons stated above.

Thank you for your time, down of Gubblex

Donald L. Qualls

Member Maxwell made a motion to deny Petition #2010-V-003 per staff recommendations and Findings of Fact: It affects the morals of the neighbors; its closer to the street than what the ordinance allows; it could possibly injure the property values and the use of the neighbor's properties and buildings. They shall have 60 days to remove the carport.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. Petition #2010-V-003 was denied.

2. Miscellaneous – Mr. Shine stated briefs have been filed by the K.C.C.A. to the Supreme Court. No hearing dates have been scheduled.

Director Wilson informed the Board the County Council has asked each department to come in with a ten percent reduction on the current fiscal year budget. A revised budget will be mailed out with the packets to the Planning Commission for the rest of the fiscal year of 2010.

It was the consensus of the Board to adjourn.

Adjournment: 9:20:51 A.M.
Mary Jane Baker, Chairman
Beverly Guignet, Secretary